

Central Intelligence Agency



Washington, D.C. 20505

Executive Order 12065

82-2120/6A

19 February 1982

The Honorable David A. Stockman
Director, Office of Management and Budget
Washington, D.C. 20503

Dear Dave:

In response to the 5 February 1982 letter from your General Counsel, Michael J. Horowitz, enclosed are the Agency's comments on the proposed Executive Order entitled "National Security Information." These comments are keyed to the section and page numbers of the proposed order.

In the comment relating to Section 4.2(a) of the proposed order, I am recommending that the sentence concerning "special access programs pertaining to cryptology" be deleted, in lieu of my previous suggestion that a limiting definition of "cryptology" be added. This has been coordinated with the National Security Agency, and I understand the Department of Defense is making a similar recommendation.

Beyond the deletion of this sentence, I am also recommending the deletion of the newly added Attorney General authority prescribed in Section 4.1(d). The question of when classified information may be used in court is settled by long-standing practice and Executive Order 12333 and its implementing procedures. If the intent of this provision is to confer new authority on the Attorney General in this area, I strongly object to its inclusion in the proposed order.

I concur with the Department of Defense on a need to protect technological data not now adequately protected. I have discussed with the Secretary of Defense certain options for achieving this, such as: (a) amending the order to define "damage to the national security" to include either a disadvantage to the United States or an advantage to a foreign power, or (b) having the National Security Council directive implementing the order provide limited waiver provisions governing security and safeguarding requirements. There may be other options to achieve this purpose. I would hope that before putting the Executive Order in final form there will be an opportunity to assess the options which Defense deems most effective for providing this additional protection for meeting its needs in this respect.

Overall, the proposed order is a decided improvement over the current Executive Order 12065. I endorse in particular the simplification of requirements in the new order, as well as the increased emphasis on safeguarding national security information.

Yours,

William J. Casey
William J. Casey
Director of Central Intelligence

Enclosure

L105